

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

ALBERT T. DAVIDSON,,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security

Defendant.

CASE NO. C09-5482BHS


ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 18). The Court having considered the Report and Recommendation and the remaining record, and no objections having been filed, does hereby find and order:

- (1) The Court adopts the Report and Recommendation;
- (2) The Court **REVERSES** the Administrative Law Judge's ("ALJ") decision because the ALJ improperly evaluated the medical opinions presented and thereby erred in evaluating the Plaintiff's credibility, the lay witness evidence, Plaintiff's residual functional capacity, and reliance on the vocational expert testimony; and

1 (3) The Court **REMANDS** this matter to the Social Security Commissioner for  
2 further administrative proceedings in accordance with the Report and  
3 Recommendation.

4 DATED this 16<sup>th</sup> day of June, 2010.

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8 BENJAMIN H. SETTLE  
9 United States District Judge  
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